## IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

In the Matter of:

ISLEY, JAMIE L.

Debtors JUDGE RUSS KENDIG

Chapter 7

Case No.: 21-60889

OBJECTION TO AMENDED EXEMPTION CLAIMED BY DEBTOR

Now comes Josiah L. Mason, Trustee herein, and objects to the amended exemption claimed by the Debtor for Funds Held in Garnishment under O.R.C. 2329.66(A)(18) for the reason that it was not timely filed and that Debtor is estopped from claiming the exemption as amended.

/s/ Josiah L. Mason

Josiah L. Mason, Attorney for Trustee 153 W. Main Street, P O Box 345 Ashland, OH 44805

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## **CERTIFICATE OF SERVICE**

I, Josiah L. Mason, Trustee, hereby certify that the foregoing Objection was electronically transmitted on or about October 6, 2021 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

Rebecca K. Hockenberry Rebecca@attyTH.com, r62556@notify.bestcase.com;tanya@attyTH.com
United States Trustee (Registered address)@usdoj.gov

And to the following by Ordinary U. S. Mail: Jamie L. Isley, 1970 Farmdale Road, Mansfield OH 44905

/s/ Josiah L. Mason
Josiah L. Mason, Attorney for Trustee

MEMORANDUM

It is clear that the Debtor did not claim the exemption objected to by the Trustee in the

original Petition filed with the Court. It appears that the Debtor and her Counsel would have known

about the garnishment prior to the filing of the Petition, and the garnishment was also discussed at

the 341 meeting.

Furthermore, the garnishment was listed in the schedules on Statement of Financial Affairs,

Item 10 as "Landmark Financial Services - Property was garnished - \$0.00 value". While it was

claimed that the property garnished had a zero value, it was clear that it had an actual value, as the

Trustee received \$1,208.92 on demand.

The Debtor then waited until after the Trustee had received the monies from the creditor to

make her claim for exemption in said funds. The Trustee had already expended time and effort in

contacting the creditor and obtaining the funds with the knowledge that there was no claim for

exemption. The Debtor is therefore estopped from making a claim.

The simple definition of "estoppel" is set forth in 28 AmJur 2<sup>nd</sup>, Section 2, Page 463-464,

which reads as follows:

"Estoppel is the preclusion, by acts or conduct, from asserting a right that might otherwise have existed to the detriment and prejudice of another, who, in

reliance on such acts and conduct, has acted thereon."

/s/ Josiah L. Mason

Josiah L. Mason, Attorney for Trustee